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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,704	07/20/2001	William A. Huffman	062986.0205	.9987

7590

11/03/2004

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EXAMINER

LEE, CHRISTOPHER E

ART UNIT

PAPER NUMBER

2112

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/909,704	Applicant(s) HUFFMAN, WILLIAM A.	
	Examiner Christopher E. Lee	Art Unit 2112	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

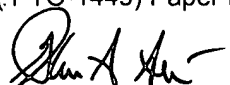
Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-15.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet


 Glenn A. Auve
 Primary Patent Examiner
 Technology Center 2100

cel/ 

Continuation of 5. does NOT place the application in condition for allowance because:

In response to the Applicant's arguments regarding to "Trull patent moves contents of particular higher order queue locations to non-adjacent lower order queue locations" in the Response filed on 18th of October 2004, the Examiner respectfully disagrees.

In fact, the term "adjacent" is defined as " (1) not distant, (2) having a common endpoint or border, (3) immediately preceding or following" in Merriam-Webster's Collegiate Dictionary 10th ed.

Therefore, in contrary to the Applicant's allegation, Trull teaches the claimed limitations, such that determining if lower order lines (i.e., lower order queue locations) are available (See col. 26, lines 24-27), if lower order lines (i.e., lower order queue locations) are available (e.g., three instructions are allocated "line" of instruction storage locations, e.g., storage locations 200, 202, 204, 206, 208, 210 in Fig. 8A; See col. 14, lines 22-24), moving all higher order lines in Figs. 8A-C (i.e., all higher order queue location) contents to an adjacent lower order line (i.e., not distant line, having a common border, and immediately following from upper line to lower line) of instruction storage locations 200, 202 and 204 in Figs. 8A-C (i.e., an adjacent lower order queue location) per compression cycle (See col. 20, lines 19-38) until all lower order locations are filled (See col. 4, lines 33-42), servicing an instruction to be dispatched to processor pipe (i.e., an entry) in said queue based on servicing criteria (See col. 14, lines 36-51), and moving all higher order queue instructions (i.e., entries), with respect to an instruction (i.e., entry) being serviced, to an adjacent lower order line (i.e., lower order location) in said queue (See col. 18, line 61 through col. 19, line 24). In other words, the term "adjacent" in the claimed invention is clearly taught by Trull in light of the definition based on the dictionary.

Thus, the Applicant's arguments on this point are not persuasive.

Continuation of 10. Other: No claim has been amended in this response filed on 18th of October 2004.